Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006

Message Text

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PAGE 01 STATE 011670

64
ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 COME-00 CIAE-00 INR-07 NSAE-00

RSC-01 /028 R

DRAFTED BY EB/CBA/BP:EJRANKIN:JB
APPROVED BY EB/CBA/BP - MR. WINTER
EUR/CE - B. A. FLATIN
PATENT OFFICE - D. B. ALLEN (DRAFT)
COMMERCE - J. LIGHTMAN
---------- 071961
R 171729Z JAN 75
FM SECSTATE WASHDC
TO AMEMBASSY VIENNA
INFO AMEMBASSY BONN

UNCLAS STATE 011670

VIENNA PASS SALZBURG

E.O. 11652: N/A
TAGS:PFOR,EIND, AU, GW
SUBJECT: AMERICAN FLAG AS DESIGN FOR DOORMAT

REFERENCE: VIENNA A-545, DEC. 6, 1974

1. AUSTRIA IS PARTY TO THE 1967 STOCKHOLM REVISION OF THE PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY (PARIS CONVENTION).

2. ARTICLE 6 TER OF THE PARIS CONVENTION APPLIES TO NATIONAL FLAGS AND OTHER STATE EMBLEMS. SECTION 3(A) PROVIDES FOR NOTIFICATION OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO) OF THOSE STATE EMBLEMS, ETC., WHICH A COUNTRY WANTS PROTECTED UNDER THE PARIS CONVENTION. HOWEVER, SECTION 3(A) EXCLUDES FLAGS FROM THIS NOTIFICATION REQUIREMENT BY STATING QUOTE NEVERTHELESS, THIS COMMUNICATION IS NOT OBLIGATORY SO FAR AS THE FLAGS OF STATES ARE CONCERNED
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PAGE 02 STATE 011670

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Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006

3. IN THE USG VIEW, THE US FLAG IS BEING USED IN THE INSTANCE CITED IN REFERENCED AIRGRAM AS A TRADEMARK, CONTRARY TO ARTICLE 6 TER OF THE PARIS CONVENTION FOR IT IS BEING USED PREDOMINANTLY IN SUCH A WAY THAT IT IS A TRADEMARK RATHER THAN BACKGROUND AND AS SUCH COULD FALSELY INDICATE THE

SOURCE OF THE PRODUCT IN QUESTION OR IMPLY THAT THE USG HAS AUTHORIZED ITS USE. THE UNITED STATES GOVERNMENT HAS NOT REPEAT NOT AUTHORIZED SUCH USE.

4. ACTION REQUESTED: EMBASSY VIENNA IS REQUESTED TO TAKE UP THIS MATTER WITH APPROPRIATE GOA AUTHORITIES, POINTING OUT THE PROVISIONS OF THE PARIS CONVENTION CITED IN PARAGRAPH 2 ABOVE AND REQUESTING THAT APPROPRIATE ACTION BE TAKEN TO PREVENT THIS UNAUTHORIZED USE OF THE AMERICAN FLAG. THE EMBASSY ALSO SHOULD EMPHASIZE THAT IN THIS PARTICULAR INSTANCE THE FLAG IS BEING USED IN SUCH A MANNER THAT IT IS BEING DESECRATED. EMBASSY IS REQUESTED TO REPORT ON THE RESULTS OF ITS INTERVENTION. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, BUSINESS FIRMS, FLAG DISPLAY REGULATIONS, TRADEMARKS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE011670
Document Source: CORE
Document Unique ID: 00
Drafter: EJRANKIN:JB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750019-1085
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750141/aaaabkel.tel
Line Count: 83
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 75 VIENNA A-545, 75 DE6, 75 1974
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 07 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <07 MAY 2003 by SilvaL0>; APPROVED <25 Nov 2003 by MorefiRH>
Review Markings:

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EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: AMERICAN FLAG AS DESIGN FOR DOORMAT
TAGS: PFOR, EIND, AU, GE, US
To: VIENNA
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006